

Serial No. 09/583,388 (Atty. Docket No. SEDN/245CIP4)  
Amendment Dated October 8, 2004  
Reply to Office Action of July 8, 2004

### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed July 8, 2004. In the Office Action, the Examiner notes that claims 1-6, 8 and 9 are pending, of which claims 1 through 6 and 9 stand rejected, and of which claim 8 has been allowed.

By this response, Applicants have amended claims 1 and 9 to clarify further the concept of "skip-encoding" as defined in the specification.

In view of both the amendment presented above and the following remarks, Applicants submit that the claims now pending in the application are neither anticipated by nor obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicants believe that all the claims are allowable.

### **I. ALLOWABLE SUBJECT MATTER**

It has been noted that independent claim 8 has been allowed. Applicants thank the Examiner for the allowance of claim 8. Applicants have no comment on the statement of the reasons for the Indication of allowable subject matter.

### **II. REJECTION UNDER 35 U.S.C. §103**

#### **A. Claims 1, 2, 5 and 6**

Claims 1, 2, 5, and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,606,746 to Zdepski et al. ("Zdepski") in further view of U.S. Patent Application Publication No. 2002/0122598 by Ribas-Corbera et al. ("Ribas-Corbera"). Applicants respectfully traverse the rejection of claims 1, 2, 5, and 6.

Applicants' independent claim 1 recites:

*"A method for encoding a user interface which comprises an information section and a display section, the method comprising:*

*encoding a non-blank background for the information section; and*

*encoding a blank background for the display section by skip encoding, when subsequent values of the display section do not change from corresponding intra-coded values at a predetermined time."*

Claims 2 and 5 depend directly from claim 1, whereas claim 6 depends from claim 5.

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Zdepski discloses a graphical user interface (GUI) using a picture-in-picture format in which one or more pictures are inserted by the video delivery system into another picture for a pasting operation at the subscriber site. Zdepski defines the insert pictures as the display portion of the GUI. Zdepski does not disclose skip encoding a blank background for the display section. The latter point has also been identified by the Examiner on page 3 of the present Office Action.

Ribas-Corbera discloses a method for intelligently deciding which blocks in a video frame, and which video frames, should be skipped, when there is a limited capacity for the coded bits. Those frames and blocks that are identified by this method are not encoded and compressed. Instead they are discarded. As such, the technique of Ribas-Corbera is one of skipping encoding as opposed to positive requirement for the encoding technique claimed by Applicants called skip encoding.

The concept of "skip encoding" is to be distinguished from that of "skipping encoding." Skip encoding is an encoding process as taught and claimed by Applicants. On the other hand, skipping encoding is a process in which no compression or encoding of information takes place for certain frames or blocks and in which those certain frames or blocks are then discarded, as taught by Ribas-Corbera.

Applicants have defined a method that calls for an encoding technique known as "skip-encoding." In this technique, a decision is made to encode and transmit sufficient information about certain frames or slices so as to inform a receiver that these certain frames or slices have been skip-encoded because their subsequent values did not change from their corresponding intra-coded values computed at a particular reference time. See Applicants' specification at page 15, lines 10-16. As shown therein, Applicants encode these frames or slices as skipped macroblocks denoted in the specification and figures as "sK." Applicants do not skip the encoding process.

The combination of Zdepski and Ribas-Corbera fail to teach, show, or suggest Applicants' unique invention as defined in claim 1. Even if such a combination of references were deemed to be proper, it would fail at the very least to teach Applicants' claimed step of *"encoding a blank background for the display section by skip encoding, when subsequent values of the display section do not change from corresponding intra-coded values at a predetermined time."* Since Zdepski is silent as to the concept of skip

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encoding and since Ribas-Corbera teaches an inapposite concept of totally skipping encoding, the combination of references cannot be said to make obvious Applicants' claimed invention.

In light of the reasons presented above with respect to amended claim 1, it is submitted that Applicants' claimed invention would not have been obvious to a person skilled in the art upon a reading of the Zdepski and Ribas-Corbera references, separately and in combination, at the time Applicants' invention was made. Therefore, it is believed that claim 1 is allowable under 35 U.S.C. §103.

Since claims 2, 5, and 6 depend ultimately from claim 1 and in light of all the reasons presented above with respect to the allowability of claim 1, it is submitted that Applicants' claimed invention would not have been obvious to a person skilled in the art upon a reading of the Zdepski and Ribas-Corbera references, separately and in combination, at the time Applicants' invention was made. Therefore, it is believed that claims 2, 5 and 6 are allowable under 35 U.S.C. §103.

#### **Claims 3, 4 and 9**

Claims 3, 4 and 9 under 35 U.S.C. §103(a) as being unpatentable over Zdepski in view of Ribas-Corbera and U.S. Patent 6,177,937 issued to Alexander ("Alexander"). In view of the amendments to claims 1 and 9, Applicants respectfully traverse the rejection of claims 3, 4 and 9.

Claims 3 and 4 depend indirectly from independent claim 1 and recite additional limitations thereof. For at least the reasons discussed above with respect to amended claim 1 (which will not be repeated herein for the sake of brevity), Applicants submit that dependent claims 3 and 4 are patentable over Zdepski in view of Ribas-Corbera under 35 U.S.C. §103(a).

Alexander discloses a method for displaying an electronic program guide with certain control, navigation, and interaction features. Nowhere does Alexander disclose or even remotely suggest the use of skip encoding as claimed by Applicants. As a result, Alexander fails to bridge the substantial gap between the combined references of Zdepski and Ribas-Corbera and Applicants' claimed invention. Therefore, the combination of Zdepski, Ribas-Corbera and Alexander, either individually or in any

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permissible combination, fails to teach, show, or suggest Applicants' invention as a whole.

In light of the reasons presented above with respect to claim 1 and the additional reasons presented with respect to claims 3 and 4, it is submitted that Applicants' claimed invention would not have been obvious to a person skilled in the art upon a reading of the Zdepski, Ribas-Corbera and Alexander references, separately and in combination, at the time Applicants' invention was made. Therefore, it is believed that claims 3 and 4 are allowable under 35 U.S.C. §103.

Amended claim 9 calls for:

9. *A method for encoding a user interface which comprises an information section and a display section, the method comprising:*  
*forward transforming a source image of the information section to generate a transformed image;*  
*low-pass filtering the transformed image to generate a filtered image;*  
*quantizing the filtered image to generate a quantized image; and*  
*encoding the quantized image to generate an encoded image of the information section, and*  
*encoding a blank background for the display section by skip encoding, when subsequent values of the display section do not change from corresponding intra-coded values at a predetermined time,*  
*where the information section includes background stripes, and*  
*where the low-pass filtering reduces visual defects from encoding of the background stripes.*

Particular attention should be paid to the steps of low-pass filtering and encoding by skip encoding. None of the references expressly or impliedly teach the use of low-pass filtering or skip encoding as defined by Applicants. The lack of any teaching in any of the applied references about skip encoding is well documented above and will not be repeated herein. With respect to low-pass filtering, the Examiner has noted the lack of express teaching on this point in the references. In fact, the Examiner has attempted to bridge this gap in the teachings of the references by reverting to the use of Official Notice. This is improper hindsight.

Assuming *arguendo* that one accepts as true that Alexander teaches the use of encoded background stripes from analysis of Fig. 5, Alexander would be faced with the very same visual defects claimed by Applicants. But Alexander does not filter the

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Images in Fig. 5. The reference is silent about defects, filtering, and any reduction of visual defects. In fact, Alexander appears content to leave well enough alone with the image in Fig. 5. If, as the Examiner purports, "it is notoriously well known in the art of video encoding to use low-pass filtering for the purpose of facilitating the separating of background information and graphics," then why doesn't Alexander even make one passing reference to performing low-pass filtering? Perhaps because it is not so notoriously well known. Since the Alexander reference is a reference by persons skilled in this technical field, since the reference includes the use of stripes, and since the reference is silent about the visual problems and any solution to the problems that stripes create, it cannot reasonably be said that a low-pass filtering step missing from the Alexander reference and all the other applied references can be fortuitously added by Official Notice. The Official Notice is improperly founded and should be withdrawn.

In light of the reasons presented above with respect to claim 9 and the additional reasons presented with respect to claim 1 earlier, it is submitted that Applicants' claimed invention would not have been obvious to a person skilled in the art upon a reading of the Zdepski, Ribas-Corbera and Alexander references, separately and in combination, at the time Applicants' invention was made. Therefore, it is believed that claim 9 is allowable under 35 U.S.C. §103.

#### CONCLUSION


Applicants submit that claims 1-6, 8, and 9 are in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited.

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If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Gregory C. Ranieri, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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